

MEMORANDUM

Amended
Agenda Item No. 11(A)(24)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact during the
2013 session the state legislative
recommendations of the Grand
Jury Report on absentee ballot
fraud

Resolution No. R-118-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Co-Sponsors Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, and Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor Amended
Veto _____ Agenda Item No. 11(A)(24)
Override _____ 2-5-13

RESOLUTION NO. R-118-13

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT DURING THE 2013 SESSION THE STATE LEGISLATIVE RECOMMENDATIONS OF THE GRAND JURY REPORT ON ABSENTEE BALLOT FRAUD; FURTHER URGING THE FLORIDA LEGISLATURE TO AMEND STATE ELECTIONS LAW TO ALLOW SUPERVISORS OF ELECTIONS TO CONTACT AN ELECTOR IF THE ELECTOR RETURNS AN ABSENTEE BALLOT WITHOUT A SIGNATURE ON THE ENVELOPE OR IF THE SIGNATURE DOES NOT MATCH THE REGISTERED SIGNATURE ON FILE

WHEREAS, following allegations of absentee ballot fraud in the August 14, 2012 primary election, the Miami-Dade State Attorney empanelled a Grand Jury to review absentee ballot fraud and make recommendations; and

WHEREAS, the Grand Jury filed its final report on December 19, 2012; and

WHEREAS, the Grand Jury report made a total of 23 recommendations to the Florida Legislature and the Miami-Dade County Supervisor of Elections; and

WHEREAS, of these 23 recommendations, ten were recommendations to the Florida Legislature for changes to Florida Statutes, consisting of the following:

1. Reinstate the requirement that the signing of absentee ballots by electors require the signature of an attesting witness 18 years of age or older;
2. Impose a requirement that the signature of the attesting witness also would be used to attest that the witness observed the elector mark or vote the absentee ballot;
3. Require a person to sign a declaration who provides assistance to an elector who needs assistance when voting an absentee ballot;
4. Require an elector to sign a declaration who is requesting assistance with an absentee ballot from a person other than a family member;
5. Expand eligible early voting sites and provide Supervisors of Elections discretion in determining which early voting sites to use;

6. Provide 120 hours of early voting and restore early voting to 14 days rather than the current eight days;
7. Eliminate the permanent absentee voter list and require that voters request an absentee ballot for each election;
8. Adopt statewide language currently in the Miami-Dade County Code to make it illegal for anyone to be in possession of more than two absentee ballots at one time;
9. Make it a third degree felony to be in possession of more than two absentee ballots at one time;
10. Further limit the public records exemption related to absentee ballot information so as to make such information available only to a political party or official thereof, a candidate, a registered political committee or committee of continuous existence (CCE); and

WHEREAS, the Grand Jury also made 13 recommendations to the Miami-Dade County Elections Department and the Supervisor of Elections; and

WHEREAS, one such recommendation was for the Miami-Dade County Elections Department to adopt procedures to contact an elector if the elector returns an absentee ballot without a signature on the envelope or if the signature does not match the registered signature on file; and

WHEREAS, this recommendation would require a change to state law before the Miami-Dade County Elections Department could adopt this procedure; and

WHEREAS, this Board urges the Florida Legislature to enact such legislation amending state elections law so as to allow the Miami-Dade County Elections Department to contact an elector if the elector returns an absentee ballot without a signature on the envelope or if the signature does not match the registered signature on file; and

WHEREAS, this Board commends the Grand Jury on their service to the community and their important work on the issue of absentee ballot fraud and ensuring the integrity of our elections process,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature during the 2013 session to enact the state legislative recommendations of the Final Report of the Grand Jury on Absentee Ballot Fraud filed December 19, 2012.

Section 2. Further urges the Florida Legislature to amend state elections law to allow the Supervisors of Elections to contact an elector if the elector returns an absentee ballot without a signature on the envelope or if the signature does not match the registered signature on file.

Section 3. Directs the Clerk of the Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Miami-Dade County State Attorney, the Chair and Members of the Miami-Dade State Legislative Delegation, the Florida Secretary of State and the Members of the Miami-Dade County Grand Jury for the Spring 2012 term.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include these items.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa and the Co-Sponsors are Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, and Commissioner Dennis C. Moss. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

| | | |
|----------------------|-------------------------|---------------------------------|
| | Rebeca Sosa, Chairwoman | aye |
| | Lynda Bell, Vice Chair | aye |
| Bruno A. Barreiro | aye | Esteban L. Bovo, Jr. aye |
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson aye |
| Sally A. Heyman | absent | Barbara J. Jordan aye |
| Jean Monestime | aye | Dennis C. Moss aye |
| Sen. Javier D. Souto | aye | Xavier L. Suarez absent |
| Juan C. Zapata | aye | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JAC for JMM

Jess M. McCarty